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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/575,856

12/18/2006

Duck Gil Lee

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EXAMINER

VAN, QUANG T

ART UNIT

PAPER NUMBER

3742

MAIL DATE

DELIVERY MODE

04/20/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/575,856	<b>Applicant(s)</b> LEE, DUCK GIL	
	<b>Examiner</b> Quang T. Van	<b>Art Unit</b> 3742	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 February 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3-17 and 22-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-17 and 22-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 April 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

***Withdrawal of Allowable Subject Matter***

1. The indicated allowability of claims 1, 3-12 and 22-30 is withdrawn in view of the newly discovered reference(s) to Yoneno et al (US 5,525,782). The examiner regrets for any inconveniences. Rejections based on the newly cited reference(s) follow.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 13-17 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. In this case, in the amended claim 13, "**a plate disposed at bottom of the cavity** and food is placed on the plate" recited in lines 2-3 contains new matter which was not described in the specification at the time the application was filed. Further, as mentioned in the advisory action, the term "a plate disposed at bottom of the cavity", recited in line 3, has raised new matter, because nowhere in the specification discloses a food plate disposed at bottom of the cavity, and in the original claims 1 and 13, there is no indication of such plate where food placed is formed or disposed at the bottom of the cavity; noted that the only plate that can be considered disposed at the bottom of the cavity is the sub-plate (recited in claim 10) to

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be formed at the bottom of the cavity. However, this sub-plate has never been recited for loading food . Clarification or cancel the claim is needed.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

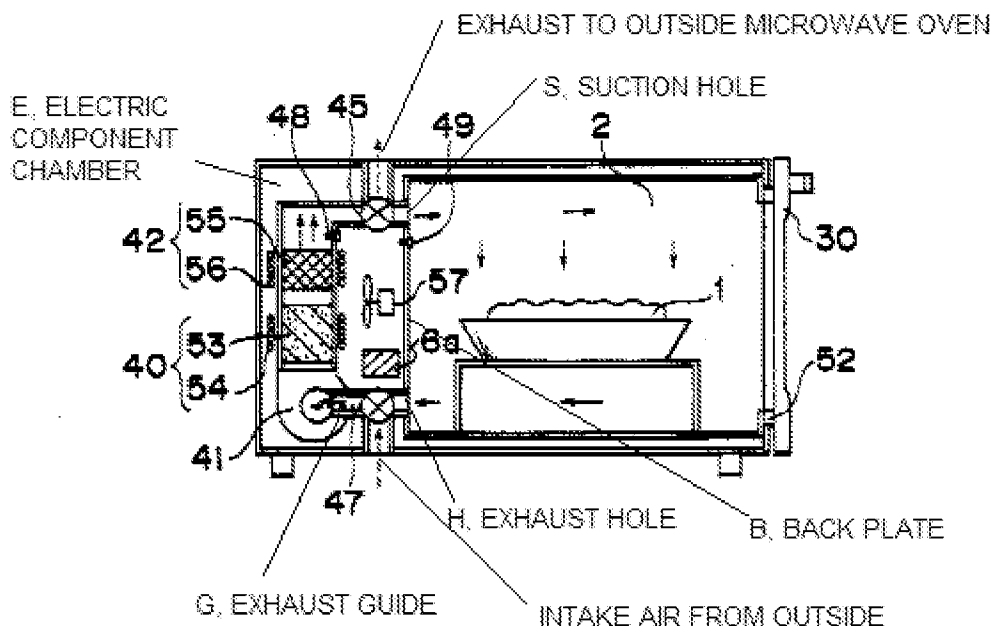
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 3, 6, 11-13, 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Yoneno et al (US 5,525,782) new cited.

Yoneno shows an electric combination oven with humidity conditioner comprising: a cavity (2) for accommodating foods therein; an electric component chamber (E, figure below) disposed at a predetermined portion of the cavity; a suction hole ( S, figure below) formed at one sided portion (upper side portion) of the cavity such that the cavity communicates with the electric component chamber (E); an exhaust hole (H, figure below) formed at the other sided portion (lower side portion) of the cavity, through which air sucked through the suction hole is exhausted; an exhaust guide (G, figure below) covering an outer wall of the cavity where the exhaust hole (H) is formed, for guiding air exhausted through the exhaust hole (H) to an outside of the microwave oven (see figure below); and a back plate (B, figure below) having an exhaust passage hole (H) communicating with one end of the exhaust guide (G), through which air is exhausted (figure below). Similarly, the claimed structure in claim 13 is also met: an air flow passage of a microwave oven comprising: a suction hole (H)

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formed between a plate on which foods (a dish of food) are placed and a cavity 2, through which air of an electric component chamber (E) is introduced; an exhaust hole (H) through which air introduced through the suction hole (S) is exhausted; an exhaust guide (G) for guiding air exhausted through the exhaust hole (H) to an outside of the microwave oven; and a back plate (B) having an exhaust passage hole (H) for exhausting the air guided by the exhaust guide to an outside of the microwave oven.



### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 4-5, 7-8, 10, 14-15, 22-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoneno et al (US 5,525,782) new cited, in view of Lee (CN 1230663) cited by applicant.

As set forth above, Yoneno shows every feature except for the exhaust guide having two portions that are different in widths. Lee '663 shows a microwave oven having a guide member for discharging air, wherein a protrusion part (45) protruding outwardly of an inner case (15) is formed on a part outside of the guide member (41) (corresponding to the "exhaust guide" in claim 4), i.e., the exhaust guide has at least two portions that are different in width (Figure 1 and page 4, lines 5-6). It would have been obvious to an ordinary skill in the art at the time of invention to modify Yoneno to form the exhaust guide with two portions having different widths to facilitate discharge of air within the microwave oven to the outside thereof, in view of the teaching of Lee '663. In regard to claims 7, 8, 10 and 15, the exact structure of the exhaust guide and the use of a fixing device, such as screws would have been a matter of obvious engineering expediences depending on the overall structure of the oven.

8. Claims 9 and 17 are rejected under 35 U.S.C. 103(a) as being obvious over Yoneno et al (US 5,525,782) new cited, in view of Frimmel (CN 1085321) (cited by the applicant).

As set forth above, Yoneno shows every feature except for "the air flow passage further comprising a water permeation preventing portion formed at an upper portion of the exhaust passage hole. Frimmel shows a guide protrusion 82a (corresponding to the "water permeation preventing portion" in claim 9) which is formed

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on an exhaust hole 80b (corresponding to the "exhaust passage hole" in claim 9) protrudes outwardly from the exhaust hole 80b such that if water drops on the exhaust hole 80b, the outwardly protruding guide protrusion 82a can prevent the water from entering the exhaust hole 80b (see Figure 4 and page 4, lines 15-19). It would have been obvious to an ordinary skill in the art at the time of invention to modify Yoneno to form the exhaust passage with a water permeation preventing portion to prevent water from permeating into an inside of the microwave oven, in view of the teaching of Frimmel.

### ***Response to Amendment***

9. Applicant's arguments with respect to claims 1, 3-17, and 22-30 have been considered but are moot in view of the new ground(s) of rejection.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quang T. Van whose telephone number is 571-272-4789. The examiner can normally be reached on 8:00Am 5:00Pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tu Hoang can be reached on 571-272-4780. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Quang T Van/  
Primary Examiner, Art Unit 3742  
April 16, 2009

Quang T Van  
Primary Examiner  
Art Unit 3742